

Forest Service, USDA

§ 223.2

- 223.219 Sustainable harvest of special forest products.
- 223.220 Quantity determination.

APPRAISAL AND PRICING

- 223.221 Establishing minimum rates.
- 223.222 Appraisal.

CONTRACT AND PERMIT CONDITIONS AND PROVISIONS

- 223.223 Advance payment.
- 223.224 Performance bonds and security.
- 223.225 Term.
- 223.226 Term adjustment for force majeure delay.

ADVERTISEMENT AND BIDS

- 223.227 Sale advertisement.
- 223.228 Contents of advertisement.
- 223.229 Contents of prospectus.
- 223.230 Bid restriction on resale of incomplete contracts, permits, or other instruments.
- 223.231 Bidding methods.
- 223.232 Disclosure of relation to other bidders.

AWARD OF CONTRACTS, PERMITS, OR OTHER AUTHORIZING INSTRUMENTS

- 223.233 Award to highest bidder.
- 223.234 Determination of responsibility.
- 223.235 Unilateral delay, suspension, or modification of contracts, permits, or other instruments authorizing the sale of special forest products.
- 223.236 Unilateral termination.
- 223.237 Request for delay, suspension, modification, or termination.
- 223.238 Free use authorization to U.S. Army and Navy.
- 223.239 Free use by individuals.
- 223.240 Tribes and treaty and other reserved rights.
- 223.241 Disposal of seized special forest products.
- 223.242 Supplemental guidance, memorandums of agreement, and memorandums of understanding.

Subpart H—Forest Botanical Products

- 223.275 Establishment of a pilot program.
- 223.276 Applicability.
- 223.277 Forest botanical products definition.
- 223.278 Sale of forest botanical products and collection of fees.
- 223.279 Personal use.
- 223.280 Waiver of fees and/or fair market value.
- 223.281 Monitoring and revising sustainable harvest levels.
- 223.282 Deposit and expenditure of collected fees.

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EFFECTIVE DATE NOTE: At 73 FR 79386, Dec. 29, 2008, the authority citation to part 223 was revised, effective Jan. 28, 2009. At 74 FR 5107, Jan. 29, 2009, the amendment was delayed until Mar. 30, 2009. At 74 FR 14049, Mar. 30, 2009, the amendment was further delayed until May 29, 2009. At 74 FR 26091, June 1, 2009, the amendment was delayed indefinitely. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 90 Stat. 2958, 16 U.S.C. 472a; 98 Stat. 2213, 16 U.S.C. 618, 104 Stat. 714-726, 16 U.S.C. 620-620j, 113 Stat. 1501a, 16 U.S.C. 528 note; unless otherwise noted.

SOURCE: 42 FR 28252, June 2, 1977, unless otherwise noted. Redesignated at 49 FR 2760, Jan. 23, 1984.

Subpart A—General Provisions

§ 223.1 Authority to sell timber.

Trees, portions of trees, and other forest products on National Forest System lands may be sold for the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960, as amended (74 Stat. 215; 16 U.S.C. 528-531), and the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (88 Stat. 476; as amended, 16 U.S.C. 1600-1614), and the Program thereunder.

§ 223.2 Disposal of timber for administrative use.

Trees, portions of trees, or other forest products in any amount on National Forest System lands may be disposed of for administrative use, by sale or without charge, as may be most advantageous to the United States, subject to the maximum cut fixed in accordance with established policies for management of the National Forests. Such administrative use shall be limited to the following conditions and purposes:

(a) For construction, maintenance or repair of roads, bridges, trails, telephone lines, fences, recreation areas or other improvements of value for the protection or the administration of Federal lands.

(b) For fuel in Federal camps, buildings and recreation areas.

(c) For research and demonstration projects.

(d) For use in disaster relief work conducted by public agencies.

§ 223.3

(e) For disposal when removal is desirable to protect or enhance multiple-use values in a particular area.

§ 223.3 Sale of seized material.

Seized material (trees, portions of trees or other forest products cut in trespass from National Forest System lands) may be sold to the highest bidder under specific authorization from the Regional Forester. If advertisement is impractical, sales of material with an appraised value of less than \$10,000 will be made on informal bids.

§ 223.4 Exchange of trees or portions of trees.

Trees or portions of trees may be exchanged for land under laws authorizing the exchange of National Forest timber. Cutting of exchange timber must comply with the purposes cited in § 223.1.

(42 Stat. 465, 16 U.S.C. 485; 43 Stat. 1215, 16 U.S.C. 516)

§ 223.5 Scope of free use granted to individuals.

(a) Free use may be granted to individuals for firewood for personal use, except that such use may be limited to bona fide settlers, miners, residents and prospectors living within or immediately adjacent to the National Forest when the available supply is insufficient to meet the total demand. Free use may be granted to such bona fide settlers, miners, residents and prospectors for minerals, for fencing, building, mining, prospecting and domestic purposes.

(Sec. 1, 30 Stat. 35, as amended; 16 U.S.C. 477, 551)

(b) Free use will be granted individuals primarily to aid in the protection and silvicultural improvement of the forests. Except in unusual cases, the material will be restricted to dead, insect-infested, or diseased timber, logging debris, and thinnings. Other material may be granted in unusual cases where its refusal would cause unwarranted hardship. Where limited supply or other conditions justify such action, the free use of green material may be refused.

36 CFR Ch. II (7–1–14 Edition)

§ 223.6 Cutting and removal of timber in free-use areas.

Supervisors may designate portions or all of a National Forest as free-use areas where such action is compatible with land management plans and shall give public notice of their action. Within such free-use areas, any dead timber or any green timber previously marked or designated by forest officers may be cut and removed for personal use for domestic purposes. Cutting and removal of timber in free-use areas shall be in accordance with such rules as may be prescribed by the district ranger to prevent fires, minimize damage to uncut trees and other resources, and to avoid confusion among users.

[42 FR 28252, June 2, 1977, as amended at 44 FR 73029, Dec. 17, 1979. Redesignated at 49 FR 2760, Jan. 23, 1984]

§ 223.7 Permission for free use of timber outside free-use areas.

Similar material may be cut outside of a free-use area without permit in cases of emergency, but the person taking such material shall promptly notify the district ranger. Small quantities of material needed by transients while in the forest may also be taken without permit; subject to such rules as may be prescribed pursuant to § 261.70. In all other cases permits will be required for green material.

§ 223.8 Delegations of authority to approve free use by individuals.

(a) Forest officers whom the supervisor may designate are authorized to grant free use of timber to individuals up to \$200 in value in any one fiscal year. Supervisors may grant permits for material not exceeding \$5,000 in value. Regional Foresters may approve permits for larger amounts, and in times of emergency may delegate authority to supervisors for not over \$10,000 in value. Prior review by the Chief of the Forest Service will be given if the amount involved exceeds \$10,000 in value.

(b) Regional Foresters may authorize supervisors to permit the removal of